UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,934	05/28/2002	Takayuki Sato	AT-0025US	7805

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EXAMINER
BHATIA, AJAY M

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/063,934	SATO, TAKAYUKI
		Examiner	Art Unit
		Ajay M. Bhatia	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 9-133* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, and 9-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in

view of the new ground(s) of rejection. Applicant has filed an RCE 10/13/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, and 9-13 rejected under 35 U.S.C. 103(a) as being unpatentable

over Leong et al. (U.S. Patent 6,269,398) in view of Wookey (U.S. Patent 6,023,507).

For claim 1, Leong teaches, a management apparatus for managing a

communication device, comprising:

an identifying table storing unit operable to store an identifying table having a

plurality of sets, each of said plurality of sets including a combinations of said identifying

conditions and said check methods, (Leong, Col. 9 lines 44-47, protocols, Col. 10 lines

32-43, buttons, figure 5, Col. 7 lines 35-47) said identifying condition for determining a

type of an identified communication device satisfying said identifying condition, and said

check method for determining a function of said identified communication device;

(Leong, Col. 6 lines 44-65, printers, files server, or virtually any other device capable of

communicating on the network, Col. 8 lines 49-61, information 310,311,313)

an identifying unit coupled to said identifying table storing unit, such that said identifying unit access said identifying table to determine (Leong, Col. 8 lines 49-61, MIB, network management system) determines which one of said identifying conditions is satisfied by said communication device based on predetermined priorities of each of said plurality of sets. (Leong, Col. 9 lines 14-30, prioritizing)

a communication unit coupled to said identifying unit, said communication unit for communicating with said communication device; (Leong, Col. 8 lines 49-61 router)

a check unit coupled to an output of said identifying unit such that said check unit receives from said identifying unit said check method (Leong, Col. 9 lines 44-47, protocols)

an input unit coupled to said identifying unit and operable for a user of management apparatus to input said plurality of sets to be registered in said identifying table; (Leong, MIB set, Col. 9 lines 28-32)

a registration unit coupled to said input unit and said identifying table storage unit, and operable to register said plurality of sets, in said identifying table; and (Leong, figure 5, MIB set, Col. 9 lines 28-32, figure 4)

a priority setting unit coupled to said identifying table storing unit and said registration unit, and operable to set said priorities for each of said plurality of sets registered in said identifying table based on said identifying conditions of said plurality of sets. (Leong, Col. 9 lines 14-30, prioritizing, figures 4,5)

Wookey and Leong are both in the field of remote testing of devices across a computer network

Wookey and Leong are compatible because it would be obvious of one of ordinary skill in the art to be able to combine the features of Wookey and Leong.

Leong fails to complete clearly disclose, a priority setting unit coupled to said identifying table storing unit and said registration unit, and operable to set said priorities for each of said plurality of sets registered in said identifying table based on said identifying conditions of said plurality of sets

Wookey teaches, a priority setting unit coupled to said identifying table storing unit and said registration unit, and operable to set said priorities for each of said plurality of sets registered in said identifying table based on said identifying conditions of said plurality of sets. (Wookey Col. 9 lines 52-65, conditions are prioritized, it is done in phase communication must be verified before the software, because if communication doesn't work there is no way to test the software, //s 8,9,10,11)

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to combine Wookey with that of Leong because the system of Wookey provides the befit of increased uptime of customer systems and higher productivity for the service center engineers (Wookey Col. 2 lines 48-50).

For claim 2, Leong-Wookey further teaches,

a check table storing unit coupled to said check unit and operable to store a check table accessible to said check unit for a type of communication device, said check table having a check condition; (Leong, Col. 9 lines 44-47, protocols)

wherein said check table for each type of the communication device being specified by said check method stored in said identifying table storing unit, (Leong, Col. 9 lines 44-47, protocols, table 1, Col. 10 lines 32-43, buttons, figure 5)

wherein if identified communication device satisfies said check condition of said check table, said check unit determines that said identified communication device has said function. (Leong, Col. 10 lines 32-43, status info)

For claim 3, Leong-Wookey further teaches,

a default check table storing unit coupled to said check unit and operable to store a default check table having a first check condition for determining a function of said communication device said first check condition having a first specified function; and (Leong, Col. 10 lines 32-43, status info, Col. 9 lines 44-47, protocols)

a check table storing unit coupled to said check unit and operable to store a check table for a type of communication device, wherein said check table is specified by said check method ; (Leong, Col. 10 lines 32-43, buttons, figure 5)

wherein said check table has a second check condition for determining said function of said identified communication device said second check condition having a

second specified function; (Leong, Col. 9 lines 44-47, protocols , Col. 10 lines 32-43,

buttons, figure 5, second condition is second protocol)

wherein said check unit determines that, in a case where said identified

communication device satisfies said first check condition of said default check table,

said communication device has said first specified function ;and (Leong, Col. 9 lines 44-

47, protocols , Col. 10 lines 32-43, buttons, figure 5)

wherein said check unit determines that, in a case where said identified

communication device satisfies said second check condition of said check table said

identified communication device has said second specified function. (Leong, Col. 9 lines

44-47, protocols, Col. 10 lines 32-43, buttons, figure 5)

For claim 4, Leong-Wookey further teaches,

said identifying table storing unit stores a monitoring method for monitoring a

status of said identified communication device, said monitoring method corresponding

to said identifying condition; and (Leong, Col. 9 lines 44-47, protocols, Col. 10 lines 32-

43, buttons, figure 5)

said management apparatus further comprises a monitoring unit coupled to said

identifying unit such that monitoring unit receives from said identifying unit said

monitoring method. (Leong, Col. 9 lines 44-47, protocols, Col. 10 lines 32-43, buttons,

figure 5, Col. 7 lines 35-47, polling)

For claim 5, Leong-Wookey further teaches,

a specifying unit operable to make a user of said management apparatus specify

an address of said communication device, the output of said specifying unit being

coupled to said identifying unit and said check unit such that said identifying unit and

said check unit determine said type and said function of said communication device,

respectively. (Leong, table 1, echo test Col. 11 lines 42-47)

For claim 6, Leong-Wookey further teaches,

a communication device displaying controller coupled to a display and said

identifying unit, and operable to display saud communication device on said display with

an image corresponding to said type determined by said identifying unit; and (Leong,

figure 5)

a function displaying controller coupled to a display and said check unit, and

operable to show said function of said communication device determined by said check

unit, in a case where a user of said management apparatus made a predetermined

operation with respect to said image. (Leong, figure 5)

For claim 9, Leong-Wookey further teaches,

wherein, in a case where a first identifying condition is included in a second

identifying condition, said priority setting unit sets said priorities such that a set

corresponding to said first identifying condition has a higher priority than a set

corresponding to said second identifying condition. (Leong, Col. 9 lines 14-30,

prioritizing, figures 4,5)

For claim 10, Leong-Wookey further teaches,

wherein said management apparatus manages a plurality of communication

devices, and in a case where fewer of said plurality of communication devices satisfy a

first identifying condition than a second identifying condition, said priority setting unit

sets said priorities such that a set corresponding to said first identifying condition has a

higher priority than a set corresponding to said second identifying condition. (Leong,

Col. 9 lines 14-30, prioritizing, figures 4,5)

Claims 11-13 list all the same elements of claims 1-10, but in medium and apparatus

form rather than apparatus form. Therefore, the supporting rationale of the rejection to

claims 1-10 applies equally as well to claims 11-13.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See attached UPSTO 892.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-

3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

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AB